

## WATER COUNCIL MEETING

Dept. of Environmental Services  
6 Hazen Dr., Concord, N.H.

February 12, 2003  
9:00 a.m.

Members present: Councilors Bridges, Bradley, Butler, Cowan, Densberger, DiMarzio, Funk, McLeod and Councilor Bartlett's designee, Randy Curtis.

Members absent: Councilors Kibbey, Varotsis, and Patenaude, Councilor Taylor or his designee, Ben Frost; Councilor Flynn or his designee, David Barrett; and Councilor Vailas or his designee.

Vacancies: Appointee representing agricultural interests.

Chairman Bridges opened the meeting and the following items received consideration:

**(1) Approval of Minutes of November 13, 2002 Meeting**

*A motion was made by Councilor Bradley to accept the minutes of the November 13, 2002 meeting. Councilor Butler seconded the motion and the vote was unanimous.*

**(2) Approval of State Grants**

Stephen Snell, Wastewater Engineering Bureau, presented a list of municipal projects to receive state aid, as set forth in John Bush's memorandum of November 22, 2002, and recommended Council approval of processing for such payments.

*Councilor Butler moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Cowan seconded the motion and the vote was unanimous.*

WHEREAS The following municipalities have applied to the Department of Environmental Services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Wolfeboro	C-635	Clark Rd Pump Station Emergency Gen.	\$ 7,050
Wolfeboro	C-636	Sewall Rd Pump Station Mod, Phase I	8,555
Merrimack	C-637	WWTF Elect. System Upgrade Phase I	123,084
Londonderry	C-638	Share of Manchester's Odor Control Improvements Phase II	28,889
Conway VFD	C-639	North Road Pumping Station Improve.	21,787
Peterborough	C-640	Wastewater Master Plan/Aeration System Upgrade	25,360

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contributions; and

WHEREAS, The Water Council finds that said projects are intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

**(3) Status of Appeals**

Appeals Clerk Michael Sclafani presented a status report of appeals.

- a. Docket No. 01-13 WC, Appeal of Lake Ashuelot Estates Association  
A written decision is in draft form. The AGO has requested additional information in order to finalize the decision.
- b. Docket No. 01-20 WC, Appeal of John Dixon, Sunapee  
A written decision granting the appeal was issued on January 24, 2003.
- c. Docket No. 02-09 WC, Appeal of Town of Springfield  
A motion to continue the hearing until the next Council meeting was filed and granted by the Chairman and Vice Chairman. Settlement negotiations are in process.
- d. Docket No. 02-14 WC, Appeal of Randall Parker  
The petition for appeal was received on October 31, 2002. At that time the petition was timely but it was not in conformance with the rules. A letter was sent to the appellant advising him that he had 30 days in which to correct the deficiencies and re-submit a petition. The revised petition was hand-delivered to the Appeals Clerk on December 4, 2002. The deficiencies of the petition were corrected but it was not resubmitted within the 30-day extension granted. Therefore, the petition is no longer timely.

Chairman Bridges recused himself from the vote on this appeal and turned the meeting over to Vice Chairman DiMarzio.

***A motion was made by Councilor Funk that the appeal be summarily dismissed as the amended petition was not filed within the 30-day extension granted to the appellant. The motion was seconded by Councilor Butler and unanimously voted.***

After the vote was taken, Chairman Bridges resumed as presiding officer.

- **Other Business**

In order to expedite the appeals process, it has been the practice for Michael Sclafani, Appeals Clerk, to sign the name of the Chairman or Vice Chairman followed by Mr. Sclafani's initials on Council documents. Although this is an accepted practice, Anne Edwards, Esq., Council's Attorney, suggested that the Council officially appoint the Appeals Clerk as a signor on behalf of the Council. Upon the approval of documents by the Chairman or Vice Chairman, the Appeals Clerk would be authorized to sign his own name on behalf of the Council.

***A motion was made by Councilor Bradley to appoint the Appeals Clerk to sign documents on behalf of the Council upon the approval of the presiding officer for the subject appeal. Vice Chairman DiMarzio seconded the motion and it was unanimously voted.***

**(4) Discussion of Septage Rules, Env-Ws 1600**

Harry Stewart, Water Division Director, advised the Council that a schedule for filing rulemaking actions would be determined at some future date either by the Acting Commissioner or the new Commissioner when appointed.

Richard Flanders, Wastewater Engineering Bureau, discussed with the Council proposed rules changes for Env-Ws 1600 which were drafted in cooperation with the Septage Task Force rules subcommittee. Several new sections which were addressed include (1) portable toilet and marine sanitation device waste requirements, (2) innovative/alternative septage treatment, (3) research and development permit requirements, (4) EQ (exceptional quality) septage and filtrate certification requirements, and (5) requirements for EQ septage and filtrate. Setback requirements were also discussed. Additional reporting requirements are included in the rules for septage haulers.

Mr. Flanders also reviewed four bills which are being tracked in the legislature by the sludge and septic program: HB 503 regarding septage disposal responsibilities of municipalities; SB 87 regarding setback requirements for septage and sludge application near designated rivers; SB 88 relative to testing and monitoring requirements at soil manufacturing and reclamation sites; and SB 89 which would encourage the use of biosolids and short paper fiber in road construction projects.

(5) **Discussion of Proposed Filtration, Disinfection and Waste Recycling Rule Env-Ws 380**

Robert Mann, Water Supply Engineering Bureau, reviewed Env-Ws 380 with the Council. The proposed rule combines the existing federal requirements of the Surface Water Treatment Rule and the Interim Enhanced Surface Water Treatment Rule. The amendments address the new requirements under the Long Term 1 Enhanced Surface Water Treatment Rule and the Filter Backwash Recycling Rule.

(6) **Legislation Update**

Russ Nylander reported on legislation being tracked by the Division. The leading issues this session have to do with water supplies, in particular, ground water withdrawals.

Harry Stewart advised that DES supports the formation of a consolidated study committee on the issue of large groundwater withdrawals and further supports the current process of state-level approvals with local input but no local veto.

Mr. Stewart reviewed HB 810 which will increase fees for wetlands permits and require tighter turnaround times by the Department. The fee increase will support the program at current staff levels which will enable the Wetlands Bureau to continue to reduce backlogs.

Legislation to provide funding for the instream flow pilot program is currently in the Resources, Recreation and Development Committee where it is expected to be recommended "ought to pass." The bill will then go to the Finance Committee where it will most likely encounter difficulty.

(7) **Discussion of Legal Representation at Council Hearing**

Chairman Bridges reported that the Attorney General's Office will not provide Council representation at hearings unless specifically requested. The presiding officer will determine if a request should be made for representation at a hearing and follow up with the Attorney General's Office.

(8) **Other Business**

There was no further business to come before the Council.

(9) **Next Meeting**

March 12, 2003

(10) **Adjournment**

There being no further business, the meeting adjourned at approximately 10:30 a.m.